App. F. IX-4

192 .

File No. 4-28

Previous References

C. 114-28 (1-4) (B.)

C. C 44-20 (35.36 to 42-102)

Serial Nos. 5, 6.

Later References

C. 1159-29 (1-2)

p 12 E)

General and Revenue Secretariat.

Serial Nos. Jus

Part B for Mr. Ry

SUBJECT

Recovery of Agricultural Bank dues from Mr Lala-Sahib of Hanmali village in Manjanabad taluka

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D 9800-1 & 2 3.3.29

To

Rev. Comm^r ii Comp^t

In the matter of the ———

Approval of Revenue Commissioners

Communication

Serial No.

Letter No Pepu 16158/3/2/29 from the Rev. Comm' Submits report regd cases to the Saklespur Agri Bank & re Lala Sab -

Mr. Lalasaheb, a member of the late Saklespur Agricultural Bank owed to the Bank ~~at the time it was wound up,~~ sum of Rs.48,000/ when it was wound up. This, together with interest, in the course of time accumulated to about Rs.68,000 when irregular co-ercive proceedings were instituted which ~~consequently~~ were ineffective.

Vide Para 67 of Notes to E&R 44-20 (Flap L)

2 Meanwhile, concessions were generally extended to all indebted members of Agricultural Banks which ~~reduced~~ Mr. Lalasaheb's liability was reduced to Rs.38,000. Time was given for payment; it elapsed. Lands were put to auction and Messrs. Mallappa and Md. Hussain purchased them for Rs.4,070. Before it could be confirmed, Mr. Lalasaheb came up with an offer of Rs.5,000/- for the property, but he wanted that this payment should be deemed to be in complete discharge of his entire liability to the Bank. Mr. Mallappa followed this up with an offer of Rs.7,000 which induced Mr. Lalasaheb to raise his offer to Rs.9,000/- The Deputy Commissioner recommended that this offer may be accepted, in full discharge of Mr. Lalasaheb's liabilities to the Bank. Mr. Mallappa, however, approached Government with a higher bid of Rs.11,000.

Para 68 — Do — (Flap L)

Do

Para 69 — Do

Do

Para 70 — Do

Para 71 — Do

3 At this stage, an order was issued directing the D.C. to summon all the three interested persons viz. Messrs. Lalasaheb, Mallappa and Md. Hussain arranged for an informal bid between them and taking Mr. Mallappa's offer as the first bid.

Vide S722 & 18/2/28 Flap J.

A3781-24 & 14/3/28 Dc S722 & 18/2/28 Flap K

4 It was ascertained subsequently that out of the properties mortgaged to the Bank by Mr. Lala-saheb

Serial No.

the gentlemen had no interest in re-survey No.7 (original survey No.50) of the Ganadahole village, measuring ~~more or less~~ about 9 acres of coffee land; that Mr. Mallappa closed the bid with an offer of Rs.12,000 for the whole property that this latter ~~gentleman~~ claimed a rebate of Rs.800 out of this sum as survey No.7 referred to did not belong to Mr. Lala Saheb, ~~and that~~ He also stipulated that he would pay up the whole amount within two months.

5 The question of the legality of the sale having been incidentally raised, the L & L Secretary who was consulted was of opinion that there were the following irregularities in all the transactions:—

1) the first sale held was not set aside in accordance with ~~the~~ Section 185 L.R.C. ~~xxxxxx~~,

2) the second sale was informal not held in accordance with Section 183 L.R.C., insufficiently published and contrary to Section 173 of the code.

3) This second sale ~~could~~ not ~~xxx~~ be deemed a continuation of the first sale, nor ~~is~~ was it a private sale as it would have been if Section 69 of the British India Transfer of ~~xxxxx~~ Property Act was in force in Mysore.

In his note, dated 27th July 1926 the L & L Secretary was of opinion that both the sales should be set aside and that Mr. Mallappa should be refunded the advance deposited by him.

7 Accordingly a letter was issued to the D.C. asking him ~~to~~ setting aside the sale and directing that a fresh sale be held indicating, in the sale notification and other records whether each survey No. is sold

NOTE—Contn. sheet

WD 021—GPB- 30,000—21-8-28

Serial No.

- 3 -

free of encumbrances or whether it is only the right title and interest of the defaulter in the property that is notified for sale.

8 The D.C. submitted a report to the effect that he was unable to get offers by private negotiations for the estate as a whole, and that he has instructed the S.D.O. to sell the estate under revenue rules. Instructions were issued to have the estate sold in convenient blocks or even by survey numbers with a view to secure the best bids. Accordingly the lands were sold in Febry. 1928. 20 survey numbers estimated at Rs.5,520 were sold for Rs.3831 while 15 survey numbers fetch no bids at all. An offer was made by Isadore Colaso of Rs.1,800 for survey number 66 Halsalge which was bid for Rs.1500 at the sales.

9. Both the S.D.O. and the D.C. recommended that this land might be resold, with Mr. Colaso's Offer as the first bid. The S.D.O. recommended also that the sale of the other lands which had secured fair bids may be confirmed while those which had secured no bids may be resumed to Govt. and disposed of according to the darkast rules. He also suggested that the debtors' heirs be left in possession of a house for residential purposes. ~~On the receipt of the Heirs of Mr. Jabbe accounts to the tune of Rs.20,000 it was recommended that they may be allowed possession of the entire property.~~

10 At this stage the case was transferred to the R.C. for disposal.

11 The Revenue Commissioner's views as expressed in the P.J.D. are -

NOTE—Contn. sheet

General and Revenue Secretariat | CS File No. 4 6723 | App F. III—2] of 1928

Serial No.

(i) Sale of Survey No.66 of Halsolige Villa for Rs.1,500/- may be confirmed as Isadore Colaso did not deposit Rs.1800/- which he was required to do, but instead only promised "to bid according to his taste", if a resale was ordered. The Deputy Commissioner of Hassan, ~~there~~ appointed that the confidence of bidders in Revenue Sales is shaken, as Mr. Lala - Saheb's lands were sold five times, with no finality ~~in~~ to these sales. Other lands which secured bids during the last sale to the extent of Rs.(3831 minu 1500) i.e. Rs.2331 is now recommended to be left to Mr. Lala Saheb's family on condition that they pay up this amount together with the assessment due - thereon & Mr Lala Sab's dwelling house be restored to his family

12 The debtor to the Bank Mr. Lala Saheb and his successors in title to the property in question - appear to have actively evaded payment of dues, and it is for consideration whether they deserve the - concession recommended by the Deputy Commissioner and supported by the Revenue Commissioner, even as an act of grace particularly in view of the fact mentioned in para 4 above.

13 Concessions were shown to Mr. M.N. Subbiah, perhaps as he evinced interest in the discharge of the liabilities and did not disclose mala-fides of the kind referred to above.

Respectfully submitted for orders

19/12/28

15 Under the circs, the proposals of the R.C. seem to be the best solution of this long pending matter & may be accepted.

Secy 29/3 I agree

28.2.29

6/3/29

I agree 6.3.29

3 Member

4/3/29

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Serial No.

Subd with a draft accordingly for approval

Rob 7/3 BR

Opn for approval

Secy

Clk 20.3.29

20b

Issue

22 3 29

Clk

6 Re Recom. D9800-1923/3 27/3/29

Sanctions the recommendations of the Re—

REV. DEPT. GEN. 26 MAR 1929 DEVELOPMENT BRANCH.

B Ref 26/3

NOTE—Contn. sheet

No. Pet.1615/27-28.

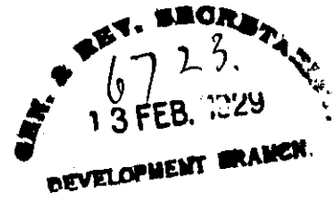
Onet one thipple

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated, Bangalore, 11th February 192 9.

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Revenue Commissioner in Mysore.



To

Development
The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

C.S. 4-28-5

SIR,

Received

Adverting to your letter No. L.2951/C.S.4-28-3 dated the 8th September 1928, forwarding for disposal the papers connected with the sale of certain lands belonging to Mr. Hennali Lala Sab, held for the recovery of land revenue arrears and the dues to the late Agricultural Bank at Sakalespur, I have the honour to invite your kind attention to the Hassan Deputy Commissioner's letter No. A3-C.781-24 dated the 2nd July 1928, addressed to you and to his letter No. C.781-24 dated the 1st/2nd October 1928 addressed to this office (copy of which is herein enclosed) and to state that the Deputy Commissioner recommends in the aforesaid reports that (1) the sale of survey No. 66 of Halasulige village which has realised a bid of Rs.1500/- might be confirmed and (2) that the lands of Labbegadde, Belagodu, Ganadahole, Kankanamene and Hennali be restored to the debter's sons after recovering from them the sum of Rs.2331/- being the amount realised in the sale, plus the land revenue arrears due thereon, up to the end of 1927-28 as agreed to by them. In the circumstances reported by the Deputy Commissioner I beg to support his recommendation. (3831-1)

(3) Survey No. 109 of Hennali village on which Mr. Lala Sab's dwelling house stands and which has secured no bids in the sale may also, on the analogy of the concession shown to Mr. L. N. Subbiah another member of the bank, be left for the family residence of Mr. Lala Sab as recommended by the Sub Division Officer.

The connected vernacular file on the subject is here-

herein enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner.

h.V.

Letter No. C.781/24 dated 1/2nd October 1928 from the Deputy Commissioner, Hassan District, to the Revenue Commissioner in Mysore, Bangalore.

Subject:- Recovery of the Agricultural Bank dues from Mr. Lalsab of Hennali village in the Manjarabad taluk.

--

In continuation of this office No. A3-781-24 dated the 2nd July 1928 submitting the records relating to the sale of properties offered as security for the loan taken by Mr. Hennali Lalasab from the late Agricultural Bank at Saklespur and stating in para 7 thereof that a further report will be submitted in respect of the sale of S. No. 66 of Halasulige village, Manjarabad Taluk, I have the honour to state that a notice to Mr. Isidore Sulaso, writer of Katehalli Estate who had offered Rs.1800/- for S. No. 66 of Halasulige village was issued both by the Amildar, Manjarabad Taluk, and the Sub Division Officer, Saklespur, on 6th July 1928 and 9th August 1928 requiring him to deposit the amount of Rs.1800/- offered by him within three days from the date on which the notice was served on him, and stating that his offer would be rejected in case he fails to comply with the terms of the notice. In reply to the notice issued by the Amildar, the said Isidore Solaso has stated in his letter dated the 25th August 1928 that he has no objection to deposit the amount provided the land is put in possession of him and the patta of the land is registered in his name. In the alternative he states that the resale of the land may be fixed to any date and that he will bid for the land according to his taste. As already stated in my letter referred to above the lands of Mr. Hennali Lala Sab were sold for the 5th time, the sales held previously having been cancelled for one reason or another and as there is no assurance to the bidders that the sales held would be confirmed, there will either be no bids for the lands or the bids received will be too low when compared with the estimated value of these properties. As the confirmation of sale is subject to orders of Government and as he could not be put in possession of the property without con-

confirmation of the sale and as transfer of patta could not also be ordered till then, his prayer at this stage cannot be accepted and his mere offer of Rs.1800/- under these terms does not seem to serve any useful purpose. As the bid of Rs.1500/- that has already been secured in respect of this S. No. 66 in the sale held on 28th February 1928 is more than the estimated value of the property, I recommend that this may be ~~xxxxx~~ accepted and the sale confirmed. The connected records accompany.

"Copy"

For Revenue Commissioner.

K.V.

G.R.S. App. F VI G-2]

SUBJECT..... .....

.....

.....

Diary No. of letter replied to.....6723.....

General and revenue Secretariat

( )

the *192*

Date of issue.....23/3/29.....

Signed by.....H. C. S. Narasimha 1929.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Sec

File No. 4 – 28

Serial No. 6

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—Correspondence ending with letter No Pet 1615/27-28 dated 13/2/29 from the Rev. Commr in Mysore reporting on the Sale of certain lands belonging to Mr Hemnali Lala Sab debtor to the late Agri Bank at Sakleshpur held on 27th & 28th Feb 28. and recommending in the circs. explained ~~in the following~~ that

~~Order Thereon~~ (1) the sale of SN 66 of Halasulige Village which realised a bid of Rs 1500 ~~be~~ be confirmed;

(2) that the lands of Dabbegadde, Belagodu Gunadahalli, Kankana

6 2

mene & Hemali be restored to
the debtor's sons, after recovering
from them the sum of Rs 2331/- being
the amount realised the sale plus
the LR arrears due thereon upto end of
F(B) 1337 S.No 199 of Hemale village
on which Mr Lala Saheb's dwelling house stands, which seems no loss in the sale
house should be left for the residence of
his Mr Lala Saheb's family
residence

Enc on file Liker Revenue
Order No D 9800-1/8 23/2/29
in the encs. details.

The Rev: Commissioner's
recommendations are
approved - the amount of
Rs 2331 together with arrears of
Land Revenue due thereon upto end
of 1927-28 should be recovered
immediately from the heirs of
Mr Lala Saheb

List of enclosure.

Copied by 22 3 29

Examined by

Clr
20/3/29

WD 0326—GPB—12,500—26-5-27

S.O. For secn to Govt - Rev. Dept
- records

The Rev. Comr with
the Compts to Govt

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:--

Correspondence ending with letter No.Pet.1615/27-28 dated the 13th February 1929 from the Revenue Commissioner in Mysore, reporting on the sale of certain lands belonging to Mr. Hennali Lala Sab debtor to the late Agricultural Bank at Saklespur held on 27th and 28th February 1928 and recommending in the circumstances explained that (1) the sale of survey number 66 of Halasulige Village which realised a bid of Rs.1500/- be confirmed; (2) ~~that~~ the lands of Dabbegadde, Balagodu, Ganadahole, Kankanamenepand Hennali be restored to the debtor's sons, after recovering from them the sum of Rs.2331/- being the amount realised in the sale, plus the land revenue arrears due thereon upto end of 1927-28, and (3) survey number 199 of Hennali Village on which Mr. Lala Saheb's dwelling house stands ~~and~~ which ~~seemed~~ secured no bids in the sale be left for the residence of Mr. Lala Saheb's family.

Order No.D. 9800-1/CS 4-8-6

Dated, Bangalore, 23rd March 1929.

In the circumstances stated the Revenue Commissioner's recommendations are approved. The amount of Rs.2331/- together with arrears of land revenue due thereon up to end of 1927-28 should be recovered immediately from the heirs of Mr. Lala Saheb.

23/3
for Secretary to Government,
Development Departments.

To

The Revenue Commissioner in Mysore with records.

The Comptroller to Government.

ACH.3.